

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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JOHNSON & JOHNSON, et al.,

Plaintiffs,

- against -

ORDER

CV-08-1297 (SLT)

SOUTH POINTE WHOLESALE, INC., et al.,

Defendants.

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GOLD, Chief United States Magistrate Judge:

On June, 2, 2009, I granted defendant Dennis Gatscher's application for pro bono counsel. Despite the Court's diligent efforts, no pro bono attorney has volunteered to represent the defendant. Moreover, the Court cannot compel an attorney to accept a civil case on a pro bono basis. See Mallard v. United States District Court, 490 U.S. 296 (1989). Accordingly, I hereby vacate the Order granting defendant's application for pro bono counsel.

SO ORDERED.

**Dated: Brooklyn, New York
March 22, 2010**

s/
STEVEN M. GOLD
CHIEF UNITED STATES MAGISTRATE JUDGE